

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
ABERDEEN DIVISION

BRIAN SCOTT BERRYMAN

PETITIONER

V.

CIVIL ACTION NO. 1:22-CV-00140-SA-RP

BURL CAIN and  
MISSISSIPPI DEPARTMENT OF CORRECTIONS

RESPONDENTS

**ORDER GRANTING PETITIONER'S MOTION TO PROCEED  
WITH PETITION FOR WRIT OF HABEAS CORPUS AND  
DISMISSING AS MOOT MOTION TO HOLD IN ABEYANCE**

This matter comes before the Court on Petitioner's *pro se* motion [16] to proceed with petition for writ of habeas corpus. Petitioner previously filed a motion to hold in abeyance these federal habeas corpus proceedings while he completed his exhaustion of state court remedies.

*See* Doc. # 4. In the instant filing, however, Petitioner avers that, because the Mississippi Supreme Court recently denied his motion for reconsideration, he has now exhausted all state court remedies, and wishes to go forward with these federal habeas corpus proceedings. Doc. # 16. The Court, therefore, finds that Petitioner's motion [16] to proceed with petition for writ of habeas corpus is hereby **GRANTED**. As such, the Court additionally finds that Petitioner's motion [4] to hold in abeyance should be **DISMISSED as moot**.

**SO ORDERED**, this the 4th day of January, 2023.

/s/ Roy Percy  
UNITED STATES MAGISTRATE JUDGE